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Transmittal Number: 9625182
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Primary Contact: Walgreens Distribution
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Entity:	Walgreen Co. Entity ID Number 0501431
Entity Served:	Walgreen Co., d/b/a Walgreens
Title of Action:	Melissa McIntyre vs. Walgreen Co., d/b/a Walgreens
Document(s) Type:	Summons/Complaint
Nature of Action:	Personal Injury
Court/Agency:	Ramsey County District Court, Minnesota
Case/Reference No:	Not Shown
Jurisdiction Served:	Minnesota
Date Served on CSC:	02/21/2012
Answer or Appearance Due:	20 Days
Originally Served On:	CSC
How Served:	Personal Service
Sender Information:	Benjamin F. Gallagher 651-222-4466

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STATE OF MINNESOTA
COUNTY OF RAMSEY

DISTRICT COURT
SECOND JUDICIAL DISTRICT
CASE TYPE: PERSONAL INJURY

Court File No. _____
Assigned Judge: _____

Melissa McIntyre,

Plaintiff,

vs.

Walgreen Co., an Illinois Corporation d/b/a
Walgreens,

SUMMONS

Defendant.

THIS SUMMONS IS DIRECTED TO WALGREEN CO. d/b/a WALGREENS.

1. YOU ARE BEING SUED. The Plaintiff has started a lawsuit against you. The Plaintiff's Complaint against you [is attached to this Summons] [is on file in the office of the Court Administrator of the above-named Court]. Do not throw these papers away. They are official papers that affect your rights. You must respond to this lawsuit even though it may not yet be filed with the Court and there may be no court file number on this Summons.

2. YOU MUST REPLY WITHIN 20 DAYS TO PROTECT YOUR RIGHTS. You must give or mail to the person who signed this summons a **written response** called an Answer within 20 days of the date on which you received this Summons. You must send a copy of your Answer to the person who signed this Summons located at:

Gallagher Law Firm
1700 West Highway 36, Suite 550
St. Paul, MN 55113

3. YOU MUST RESPOND TO EACH CLAIM. The Answer is your written response to the Plaintiff's Complaint. In your Answer you must state whether you agree or disagree with each paragraph of the Complaint. If you believe the Plaintiff should not be given everything asked for in the Complaint, you must say so in your Answer.

4. YOU WILL LOSE YOUR CASE IF YOU DO NOT SEND A WRITTEN RESPONSE TO THE COMPLAINT TO THE PERSON WHO SIGNED THIS SUMMONS. If you do not answer within 20 days, you will lose this case. You will not get to tell your side of the story, and the Court may decide against you and award the Plaintiff everything asked for in the Complaint. If you do not want to contest the claims stated in the Complaint, you do not need to respond. A default judgment can then be entered against you for the relief requested in the Complaint.

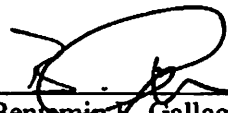
Court File No. [Court File No]

5. LEGAL ASSISTANCE. You may wish to get legal help from a lawyer. If you do not have a lawyer, the Court Administrator may have information about places where you can get legal assistance. **Even if you cannot get legal help, you must still provide a written Answer to protect your rights or you may lose the case.**

6. ALTERNATIVE DISPUTE RESOLUTION. The parties may agree to or be ordered to participate in an alternative dispute resolution process under Rule 114 of the Minnesota General Rules of Practice. You must still send your written response to the Complaint even if you expect to use alternative means of resolving this dispute.

GALLAGHER LAW FIRM

Dated: 2-20-2012


Benjamin F. Gallagher #167253
Viet-Hanh Winchell #0389220
Attorneys for Plaintiff
1700 West Highway 36, Suite 550
St. Paul, MN 55113
651-222-4466

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

Melissa McIntyre

Court File No.: _____

Case Type: Personal Injury

Plaintiff,

vs.

COMPLAINT

Walgreen Co., an Illinois Corporation
d/b/a Walgreens,

Defendant.

Plaintiff Melissa McIntyre, for her cause of action against the Defendant herein,
Walgreen Co., an Illinois Corporation d/b/a Walgreens, states and alleges the following:

1. At all times mentioned herein Plaintiff, Melissa McIntyre, ("Ms. McIntyre"), was a resident of the County of Ramsey, State of Minnesota..
2. At all times mentioned herein Defendant Walgreen Co., an Illinois Corporation d/b/a Walgreens ("Defendant"), was authorized to do business, and was doing business, in the City of North Oaks, County of Ramsey, State of Minnesota.
3. Prior to the date of the incident, Ms. McIntyre was taking 50 micrograms (mcg) of Synthroid, six days per week and 75 mcg of Synthroid one day per week for her hyperthyroidism.
4. After consulting with her doctor, Ms. McIntyre was prescribed 5 mcg tablets of Cytomel to be taken one time per day.
5. Ms. McIntyre delivered the prescription to the Defendant to be filled by the Defendant's pharmacy located at 600 Village Center Dr., in the City of North Oaks.
6. The Defendant filled Ms. McIntyre's prescription of Cytomel with 50 mcg tablets of Cytomel instead of the prescribed amount of 5 mcg tablets of Cytomel.

7. The Defendant has a duty to exercise the degree of skill, care and learning which is normally possessed by pharmacists in good standing, in a similar practice, and under like circumstances.

8. The Defendant breached its duty of care when it filled Ms. McIntyre's prescription of Cytomel with the wrong dosage of medication.

9. Ms. McIntyre relied upon the instructions of the Defendant and ingested the substance as delivered, one (1) 50 mcg tablet of Cytomel per day, over a period of eighteen (18) days.

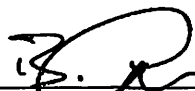
10. As a direct and proximate result of the Defendant's actions and/or omissions, Ms. McIntyre suffered bodily harm, constituting an injury, as that term is used in Minnesota Statute § 145.682, medical expenses, and other damages.

11. Pursuant to Minn. Stats., §145.682, an affidavit attesting to expert review for deviation from the applicable standard of care and causation is attached and incorporated herein by reference.

WHEREFORE, Plaintiff, Melissa McIntyre demands judgment against the Defendant in an amount in excess of \$50,000.00, together with costs and disbursements herein, and any other and further relief the Court deems just and equitable by law.


GALLAGHER LAW FIRM

Dated: Feb. 17, 2012


Benjamin F. Gallagher #167253
Attorney for Plaintiff
1700 West Highway 36
Suite 550
Saint Paul, MN 55113
651-222-4466 (Office)
651-494-0143 (Facsimile)

ACKNOWLEDGMENT

The undersigned hereby acknowledges that costs, disbursements, and reasonable attorney and witness fees may be awarded pursuant to Minn. Stat. §549.211, to the party against whom the allegations in this pleading are asserted.


Benjamin F. Gallagher

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

Melissa McIntyre

Court File No.: _____

Case Type: Personal Injury

Plaintiff,

vs.

Walgreen Co., an Illinois Corporation
d/b/a Walgreens,

Defendant.

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

AFFIDAVIT OF BENJAMIN F. GALLAGHER

BEFORE ME, the undersigned authority, personally appeared Benjamin F. Gallagher, who after being by me duly sworn, deposed as follows:

“My name is Benjamin F. Gallagher. I am at least 18 years of age and of sound mind. I am personally acquainted with the facts alleged in this affidavit, which are true and correct.

I was retained to represent Melissa McIntyre in the above-captioned case. Pursuant to Minn. Stat. § 145.682 I have reviewed the facts of the case with an expert whose qualifications provide a reasonable expectation that the expert’s opinions could be admissible at trial and that, in the opinion of this expert, the defendant deviated from the applicable standard of care and by that action caused injury to the plaintiff.

I have read Plaintiff's complaint and spoke with an expert pursuant to Minn. Stat. § 145.682 and hereby verify all of the facts set forth therein.

The affiant sayeth nothing further."

Subscribed and sworn to before me
this 17th day of February, 2012.



NOTARY PUBLIC



Benjamin F. Gallagher

